

Equality Impact Assessment [version 2.9]



| | |
|--|---|
| Title: Independent and Non-maintained special school placements - block contract | |
| <input type="checkbox"/> Policy <input type="checkbox"/> Strategy <input type="checkbox"/> Function <input checked="" type="checkbox"/> Service <input type="checkbox"/> Other [please state] | <input checked="" type="checkbox"/> New <input type="checkbox"/> Already exists / review <input type="checkbox"/> Changing |
| Directorate: People | Lead Officer name: Louis Davies-Meyer |
| Service Area: Children and Families | Lead Officer role: Commissioning Manager |

Step 1: What do we want to do?

The purpose of an Equality Impact Assessment is to assist decision makers in understanding the impact of proposals as part of their duties under the Equality Act 2010. Detailed guidance to support completion can be found here [Equality Impact Assessments \(EqIA\) \(sharepoint.com\)](#).

This assessment should be started at the beginning of the process by someone with a good knowledge of the proposal and service area, and sufficient influence over the proposal. It is good practice to take a team approach to completing the equality impact assessment. Please contact the [Equality and Inclusion Team](#) early for advice and feedback.

1.1 What are the aims and objectives/purpose of this proposal?

Briefly explain the purpose of the proposal and why it is needed. Describe who it is aimed at and the intended aims / outcomes. Where known also summarise the key actions you plan to undertake. Please use plain English, avoiding jargon and acronyms. Equality Impact Assessments are viewed by a wide range of people including decision-makers and the wider public.

To undertake a competitive tender and award of a block contract of 30 placements in an Independent or Non-Maintained Special School in the Bristol area (BS1 – BS16), for 5 years. These placements will be for children who present with a range of complex needs additional learning needs.

The majority of children and young people with Special Educational Needs or Disabilities ('SEND') will have their needs met within local mainstream early years settings, schools, or colleges. However, for some children an EHCP will mandate that their needs are best met in a specialist setting. Most of these children and young people's needs can be met in maintained special schools or special academies. Where a child or young person's needs are particularly complex, their needs may be better met in an Independent or Non-Maintained Special School (INMSS). INMSS' offer highly specialised, bespoke packages of support with potential for therapeutic interventions to be built into the setting.

The Council is a member of the South West and South Central Independent and Non-Maintained Special Schools framework. The Council will use the block contracting clauses in this framework agreement to run compliant competitive tender compliant with the Public Contracts Regulations 2015.

1.2 Who will the proposal have the potential to affect?

| | | |
|---|--|--|
| <input type="checkbox"/> Bristol City Council workforce | <input checked="" type="checkbox"/> Service users | <input type="checkbox"/> The wider community |
| <input type="checkbox"/> Commissioned services | <input type="checkbox"/> City partners / Stakeholder organisations | |
| Additional comments: | | |

1.3 Will the proposal have an equality impact?

Could the proposal affect access levels of representation or participation in a service, or does it have the potential to change e.g. quality of life: health, education, or standard of living etc.?

If 'No' explain why you are sure there will be no equality impact, then skip steps 2-4 and request review by Equality and Inclusion Team.

If 'Yes' complete the rest of this assessment, or if you plan to complete the assessment at a later stage please state this clearly here and request review by the Equality and Inclusion Team.

| | | |
|--|------------------------------------|-----------------|
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | [please select] |
|--|------------------------------------|-----------------|

Step 2: What information do we have?

2.1 What data or evidence is there which tells us who is, or could be affected?

Please use this section to demonstrate an understanding of who could be affected by the proposal. Include general population data where appropriate, and information about people who will be affected with particular reference to protected and other relevant characteristics: <https://www.bristol.gov.uk/people-communities/measuring-equalities-success>.

Use one row for each evidence source and say which characteristic(s) it relates to. You can include a mix of qualitative and quantitative data e.g. from national or local research, available data or previous consultations and engagement activities.

Outline whether there is any over or under representation of equality groups within relevant services - don't forget to benchmark to the local population where appropriate. Links to available data and reports are here [Data, statistics and intelligence \(sharepoint.com\)](#). See also: [Bristol Open Data \(Quality of Life, Census etc.\)](#); [Joint Strategic Needs Assessment \(JSNA\)](#); [Ward Statistical Profiles](#).

For workforce / management of change proposals you will need to look at the diversity of the affected teams using available evidence such as [HR Analytics: Power BI Reports \(sharepoint.com\)](#) which shows the diversity profile of council teams and service areas. Identify any over or under-representation compared with Bristol economically active citizens for different characteristics. Additional sources of useful workforce evidence include the [Employee Staff Survey Report](#) and [Stress Risk Assessment Form](#)

| Data / Evidence Source [Include a reference where known] | Summary of what this tells us |
|---|--|
| BCC Insight, Performance and Intelligence (2021). The Population of Bristol September 2021 | <p>Bristol Population: The mid-2020 population of Bristol is estimated to be 465,900 with children making up 85,700 of this total (18.4% of the total population). This means almost 1 in every five people living in Bristol is under the age of 16, with the age profile by ward varying significantly. There are 167,035 children and young people aged 0-25 in Bristol. Based on the figures above, this is over a third of the total Bristol population.</p> |
| Office for National Statistics (ONS) 2018: based population projections | Between 2010 and 2020 the number of children living in Bristol increased by 8,900 (11.6%), higher than the England and Wales increase of 8.6%. The increase has been largely amongst primary school aged children, with the number of 5 - 11-year-olds increasing by 25% over the decade. The trends reflect the substantial increase in numbers of births in Bristol in recent years, although the number of births is now falling. |
| Bristol JSNA Spotlight Report | <p>Population of Bristol and SEND: In Bristol, 11,364 children and young people have SEND which is equivalent to 6.8% of the City's total 0-25</p> |

| | <p>population. Of these 11,364 children and young people, 3,124 have an EHCP.</p> | | | | | | | | | | | | |
|--|---|-------------|-----------------------------|-----|----|------|-----|-------|------|-------|-----|-------|-----|
| Bristol SEN2 data 2021 | <p>In Bristol, requests for EHCPs have been continually rising.</p> <p>Education Health and Care Plans (EHCPs) have risen 16% in the last year against a 10% national increase and 6% for statistical neighbours.</p> | | | | | | | | | | | | |
| Special Educational Needs (School Census) Analysis July 2020 | <p>The biggest categories of SEND primary need for school-aged children and young people are Social, Emotional and Mental Health needs, Speech and Language and Communication needs and specific learning difficulties. Additional therapies required have included Speech and Language Therapy, Occupational Therapy, Music Therapy.</p> | | | | | | | | | | | | |
| Special Educational Needs (School Census) Analysis July 2020 | <p>SEND and gender: In Bristol, there are more boys with SEN or an EHCP than girls reflecting a more male dominated population than within the overall age group which is more evenly split. In January 2020, 15.2% of school-aged boys received SEN support compared to 8.7% of girls, and 4.8% of boys had an EHC plan compared to 1.8% of girls.</p> | | | | | | | | | | | | |
| Bristol SEN2 data 2021 | <p>SEND and age: The table below shows the age distribution of these children and young people with EHCPs.</p> <table border="1"> <thead> <tr> <th>Age (years)</th> <th>Number with EHCP in Bristol</th> </tr> </thead> <tbody> <tr> <td>0-4</td> <td>99</td> </tr> <tr> <td>5-10</td> <td>913</td> </tr> <tr> <td>11-15</td> <td>1090</td> </tr> <tr> <td>16-19</td> <td>746</td> </tr> <tr> <td>20-25</td> <td>276</td> </tr> </tbody> </table> <p>The majority of those with EHCPs are school aged with the largest number attending secondary school. 1022 of those with an EHCP are aged 16 to 25. The number of primary school aged pupils with EHCPs has increased more rapidly than other age group.</p> | Age (years) | Number with EHCP in Bristol | 0-4 | 99 | 5-10 | 913 | 11-15 | 1090 | 16-19 | 746 | 20-25 | 276 |
| Age (years) | Number with EHCP in Bristol | | | | | | | | | | | | |
| 0-4 | 99 | | | | | | | | | | | | |
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| 16-19 | 746 | | | | | | | | | | | | |
| 20-25 | 276 | | | | | | | | | | | | |
| BCC Insight, Performance and Intelligence (2021). The Population of Bristol September 2021 | <p>SEND and ethnicity: Bristol is a diverse city, where there are now at least 45 religions, at least 187 countries of birth and at least 91 main languages spoken. The proportion of the population who are not 'White British' increased from 12% (2001) to 22% (2011), with 6% White Minority Ethnic, 6% Black, 6% Asian, 4% Mixed and 1% Other. Recent data on school pupils shows that the percentage of pupils who are not 'White British' has increased from 31% in 2011 to 38% in 2021.</p> | | | | | | | | | | | | |
| SEND JSNA Spotlight report July 2019 | <p>Local data shows a high proportion of children and young people receiving SEN support are from Gypsy Roma (30%) and traveller communities (33%). Despite these groups making up the smallest number of people in the Bristol population. The next biggest people groups with SEN support are Black Caribbean and White and Black Caribbean.</p> | | | | | | | | | | | | |
| Deprivation in Bristol 2019 | <p>SEND and deprivation:</p> | | | | | | | | | | | | |

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| | <p>Bristol continues to have deprivation 'hot spots' that are amongst some of the most deprived areas in the country yet are adjacent to some of the least deprived areas in the country. 15% of Bristol's population live in the most deprived 10% of areas in England in 2019 (16% in 2015) including 18,900 children. The rate of pupils who have SEN is greatest in Hartcliffe & Withywood, Filwood and Lawrence Hill, the three most deprived wards in the city. Similarly, certain areas with the least deprivation (Westbury-on-Trym and Clifton) have some of the smallest number of pupils with SEN.</p> |
| <p>Child population diversity From JSNA Health and Wellbeing Profile 2020/21</p> | <p>Bristol's child population is increasingly ethnically diverse. 28% of Bristol children (under 16) belong to a Black, Asian and minority ethnic/ethnicity group (2011 Census), compared to the wider Bristol population average of 16% Black, Asian and minority ethnic/ethnicity. Using the alternative definition of diversity, 32% of children belong to the non-'White British' population, compared to the Bristol population average of 22%. Ethnic diversity varies considerably across the city; 53% of children under 16 in the Inner City & East are Black, Asian and minority ethnic/ethnicity, compared with 21% in North & West and 13% in South Bristol. By ward, the figure ranges from 4% Black, Asian and minority ethnic/ethnicity in Bishopsworth to 60% in Lawrence Hill.</p> |
| <p>Additional comments: The proposal does primarily impact children with special education needs and disabilities. This block contract will improve the sufficiency of school placements and deliver placements that are within the Bristol area.</p> | |

2.2 Do you currently monitor relevant activity by the following protected characteristics?

| | | |
|---|--|--|
| <input checked="" type="checkbox"/> Age | <input checked="" type="checkbox"/> Disability | <input type="checkbox"/> Gender Reassignment |
| <input type="checkbox"/> Marriage and Civil Partnership | <input type="checkbox"/> Pregnancy/Maternity | <input checked="" type="checkbox"/> Race |
| <input type="checkbox"/> Religion or Belief | <input type="checkbox"/> Sex | <input type="checkbox"/> Sexual Orientation |

2.3 Are there any gaps in the evidence base?

Where there are gaps in the evidence, or you don't have enough information about some equality groups, include an equality action to find out in section 4.2 below. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. If you are unable to fill in the gaps, then state this clearly with a justification.

For workforce related proposals all relevant characteristics may not be included in HR diversity reporting (e.g. pregnancy/maternity). For smaller teams diversity data may be redacted. A high proportion of not known/not disclosed may require an action to address under-reporting.

2.4 How have you involved communities and groups that could be affected?

You will nearly always need to involve and consult with internal and external stakeholders during your assessment. The extent of the engagement will depend on the nature of the proposal or change. This should usually include individuals and groups representing different relevant protected characteristics. Please include details of any completed engagement and consultation and how representative this had been of Bristol's diverse communities. See <https://www.bristol.gov.uk/people-communities/equalities-groups>.

Include the main findings of any engagement and consultation in Section 2.1 above.

If you are managing a workforce change process or restructure please refer to [Managing change or restructure \(sharepoint.com\)](#) for advice on consulting with employees etc. Relevant stakeholders for engagement about workforce changes may include e.g. staff-led groups and trades unions as well as affected staff.

The proposal relates to the purchasing mechanism used to buy placements in a local special school. Families and Children with SEND will be consulted with when during the decision making a specific placement.

2.5 How will engagement with stakeholders continue?

Explain how you will continue to engage with stakeholders throughout the course of planning and delivery. Please describe where more engagement and consultation is required and set out how you intend to undertake it. Include any targeted work to seek the views of under-represented groups. If you do not intend to undertake it, please set out your justification. You can ask the Equality and Inclusion Team for help in targeting particular groups.

Children/young people and their families will be involved as part of their EHCP annual review.

Step 3: Who might the proposal impact?

Analysis of impacts must be rigorous. Please demonstrate your analysis of any impacts of the proposal in this section, referring to evidence you have gathered above and the characteristics protected by the Equality Act 2010. Also include details of existing issues for particular groups that you are aware of and are seeking to address or mitigate through this proposal. See detailed guidance documents for advice on identifying potential impacts etc. [Equality Impact Assessments \(EqIA\) \(sharepoint.com\)](#)

3.1 Does the proposal have any potentially adverse impacts on people based on their protected or other relevant characteristics?

Consider sub-categories (different kinds of disability, ethnic background etc.) and how people with combined characteristics (e.g. young women) might have particular needs or experience particular kinds of disadvantage.

Where mitigations indicate a follow-on action, include this in the 'Action Plan' Section 4.2 below.

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| GENERAL COMMENTS (highlight any potential issues that might impact all or many groups) | |
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| PROTECTED CHARACTERISTICS | |
| Age: Young People | Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Potential impacts: | The entire cohort of service users is children and young people so they will be overrepresented on that basis. SEND services are available children and young people aged 0-25. |
| Mitigations: | We anticipate that the new procurement arrangements will lead to an overall improvement to the service so demand for special school placements can be met. |
| Age: Older People | Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Potential impacts: | N/A |
| Mitigations: | |
| Disability | Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Potential impacts: | These placements are exclusively for children and young people who have an EHCP and require a special school placement. Therefore, all users will have a disability. Similarly, the provider will be an expert in working with children and young people with SEND. Provision that is not sufficiently accessible can impact on a child or young person's ability to engage with services, which would be detrimental to their wellbeing and ability to achieve outcomes. |

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| Mitigations: | Our procurement process will ensure that the provider on the framework demonstrate that their organisation will operate in accordance with the Equality Act 2010 and the s.149 Public Sector Equality Duty. Contract monitoring will ensure all providers are accessible and inclusive to all people with any kind disabilities including those with neurodiverse conditional and other hidden disabilities. |
| Sex | Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Potential impacts: | "In Bristol, there are more boys with SEN or an EHCP than girls reflecting a more male dominated population than within the overall age group which is more evenly split. In January 2020, 15.2% of school-aged boys received SEN support compared to 8.7% of girls, and 4.8% of boys had an EHC plan compared to 1.8% of girls." |
| Mitigations: | Quarterly monitoring meetings will take place with the provider. There will be a focus on placement planning, ensuring that places available in the school meet the diverse needs of the population. |
| Sexual orientation | Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Potential impacts: | |
| Mitigations: | |
| Pregnancy / Maternity | Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Potential impacts: | |
| Mitigations: | |
| Gender reassignment | Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Potential impacts: | |
| Mitigations: | |
| Race | Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> |
| Potential impacts: | Need analysis demonstrates an over-representation of Black British children and young people. Additionally, there is over-representation of Gypsy, Romany and Travelers children and young people. |
| Mitigations: | Through our tendering processes and contract management we will ensure providers are culturally competent and able to foster an environment that is sensitive to and inclusive of ethnic diversity. |
| Religion or Belief | Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Potential impacts: | |
| Mitigations: | |
| Marriage & civil partnership | Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Potential impacts: | |
| Mitigations: | |
| OTHER RELEVANT CHARACTERISTICS | |
| Socio-Economic (deprivation) | Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Potential impacts: | There is an over-representation of children and young people living in the most deprived wards who have an EHCP and who will be accessing these services. |
| Mitigations: | Children with an EHCP will be eligible to home to school transport. This transport will ensure children from deprived areas across the city can access these school places. |
| Carers | Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Potential impacts: | |
| Mitigations: | |
| Other groups [Please add additional rows below to detail the impact for other relevant groups as appropriate e.g. Asylums and Refugees; Looked after Children / Care Leavers; Homelessness] | |
| Potential impacts: | |
| Mitigations: | |

3.2 Does the proposal create any benefits for people based on their protected or other relevant characteristics?

Outline any potential benefits of the proposal and how they can be maximised. Identify how the proposal will support our Public Sector Equality Duty to:

- ✓ Eliminate unlawful discrimination for a protected group
- ✓ Advance equality of opportunity between people who share a protected characteristic and those who don't
- ✓ Foster good relations between people who share a protected characteristic and those who don't

The project is part of the wider work the Council is doing to deliver sufficient school placements for our children with SEND. More children with SEND will be able to access the high-quality local education provision.

Step 4: Impact

4.1 How has the equality impact assessment informed or changed the proposal?

What are the main conclusions of this assessment? Use this section to provide an overview of your findings. This summary can be included in decision pathway reports etc.

If you have identified any significant negative impacts which cannot be mitigated, provide a justification showing how the proposal is proportionate, necessary, and appropriate despite this.

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| Summary of significant negative impacts and how they can be mitigated or justified: |
| |
| Summary of positive impacts / opportunities to promote the Public Sector Equality Duty: |
| - Local high-quality, specialist education provision for children with complex special educational needs/disability. |

4.2 Action Plan

Use this section to set out any actions you have identified to improve data, mitigate issues, or maximise opportunities etc. If an action is to meet the needs of a particular protected group please specify this.

| Improvement / action required | Responsible Officer | Timescale |
|-------------------------------|---------------------|-----------|
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4.3 How will the impact of your proposal and actions be measured?

How will you know if you have been successful? Once the activity has been implemented this equality impact assessment should be periodically reviewed to make sure your changes have been effective your approach is still appropriate.

There will be quarterly monitoring meetings with the successful provider. These meetings will focus on pupil progression/attainment, outcomes achieved and the quality of the provision.

Step 5: Review

The Equality and Inclusion Team need at least five working days to comment and feedback on your EqIA. EqIAs should only be marked as reviewed when they provide sufficient information for decision-makers on the equalities impact of the proposal. Please seek feedback and review from the Equality and Inclusion Team before requesting sign off from your Director¹.

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| Equality and Inclusion Team Review: <i>Reviewed by Equality and Inclusion Team</i> | Director Sign-Off: Richard Hanks <i>R. M. Hanks.</i> |
| Date: 28/09/2022 | Date: 28/09/2022 |

¹ Review by the Equality and Inclusion Team confirms there is sufficient analysis for decision makers to consider the likely equality impacts at this stage. This is not an endorsement or approval of the proposal.